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Attorney for Defendant
ASHLEY LEYBA

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

STIPULATION

IT IS HEREBY STIPULATED AND AGREED between the defendant, Ashley Leyba, by and through her undersigned defense counsel, and the United States of America, by and through its counsel, Elliot Wong, Assistant U.S. Attorney, that the status conference presently set for June 27, 2022, should be continued to August 8, 2022, and that time under the Speedy Trial Act should be excluded from between those

1 dates under Local Code T4. Additionally, the parties request that the admit or deny
2 hearing for the supervised release violation petition be continued to the same date.

3 The parties agree and stipulate, and request the Court find that the government
4 has produced the first batch of discovery in this case so far consists of certain
5 investigative reports, criminal history information, and other materials.

6 The continuance is necessary to allow the defendant to review discovery,
7 conduct investigation, prepare for trial, and ensure continuity of counsel. Accordingly,
8 the time between June 27, 2022, and August 8, 2022, inclusive, should be excluded
9 from the Speedy Trial calculation pursuant to Title 18, United States Code, Section
10 3161(h)(7)(B)(iv) and Local Code T-4 for defense preparation. Counsel for defendant
11 believes that failure to grant the above-requested continuance would deny him the
12 reasonable time necessary for effective preparation, taking into account the exercise of
13 due diligence. The parties stipulate that the ends of justice served by granting this
14 continuance outweigh the best interests of the public and the defendant in a speedy trial.
15 18 U.S.C. §3161(h)(7)(A).

16 Nothing in this stipulation and order shall preclude a finding that other
17 provisions of the Speedy Trial Act dictate that additional time periods are excludable
18 from the period within which a trial must commence.

19
20 IT IS SO STIPULATED

21 Dated: June 22, 2022

22 PHILLIP TALBERT
US ATTORNEY

23 /s/ Elliot Wong _____
24 ELLIOT WONG
25 Assistant U.S. Attorney
26 Attorney for Plaintiff
27
28

1 Dated: June 22, 2022

/s/ David D. Fischer
DAVID D. FISCHER
Attorney for Defendant
ASHLEY LEYBA

5 **FINDINGS AND ORDER**

6 The Court has read and considered the Stipulation to Continue Status Conference
7 and Exclude Time Under Speedy Trial Act filed by the parties in this matter. The Court
8 hereby finds that the Stipulation, which this Court incorporates by reference into this
9 Order, demonstrates facts that provide good cause for a finding of excludable time
10 pursuant to the Speedy Trial Act, 18 U.S.C. § 3161.

11 The Court further finds that: (i) the ends of justice served by the continuance
12 outweigh the best interest of the public and defendant in a speedy trial; and (ii) failure to
13 grant the continuance would deny defense counsel the reasonable time necessary for
14 effective preparation, taking into account the exercise of due diligence.

15 The Court further orders that the Status conference presently set for June 27,
16 2022 in case 2:22cr00098-WBS is continued to August 8, 2022 at 9:00 a.m., and that
17 time under the Speedy Trial Act is excluded from June 27, 2022 to August 8, 2022
18 under Local Code T4. Additionally, the Admit or Deny Hearing for the supervised
19 release violation petition in case 2:17cr00051-WBS is continued from June 27, 2022 to
20 August 8, 2022 at 9:00 a.m.

21 Nothing in this Order shall preclude a finding that other provisions of the Speedy
22 Trial Act dictate that additional time periods are excluded from the period within which
23 trial must commence.

24 **IT IS SO FOUND AND ORDERED.**

25 Dated: June 23, 2022


26 WILLIAM B. SHUBB
27 UNITED STATES DISTRICT JUDGE